

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re:

Chapter 11

MALLINCKRODT PLC, *et al.*,

Bankruptcy Case No. 20-12522 (JTD)

Debtor.

CANADIAN ELEVATOR INDUSTRY
PENSION TRUST FUND,

Appellant,

v.

C.A. No. 22-328-TLA

MALLINCKRODT PLC,

Bankr. BAP No. 22-21

Appellee.

RECOMMENDATION

At Wilmington this **8th** day of **April, 2022**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, the court conducted an initial review, which included information from counsel,¹ to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a

¹ Written information was provided by counsel for the parties which is not made part of the court record because it relates to mediation.

productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process.

This Appeal relates to a March 2, 2022 Order of Judge John. T. Dorsey of the Bankruptcy Court for this jurisdiction, which confirmed the Fourth Amended Joint Plan of Reorganization of Mallinckrodt plc and its Debtor Affiliates under Chapter 11.

Although the parties never were involved in mediation in this matter and any form of ADR, because of the nature of the relief granted by the Bankruptcy Court and the issues on appeal, the parties do not believe mediation would be beneficial in this Appeal. As a result, they request that the matter be removed from mandatory mediation, and have agreed to the following briefing schedule:

Appellant's Opening Brief	June 8, 2022
Appellees' Response Brief	July 8, 2022
Appellant's Reply Brief	July 26, 2022

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. No objections to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1 are anticipated because it is consistent with the parties' request.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng